

## 10 *Official Opinions of the Compliance Board 62 (2016)*

- ◆ 1(C)(2) ADMINISTRATIVE FUNCTION EXCLUSION - WITHIN THE  
EXCLUSION: DISCUSSION OF NEW DATE FOR MEETING  
CANCELLED FOR LACK OF NOTICE

WITHIN THE EXCLUSION – CHOICE OF MEMBER TO ENSURE  
THAT NOTICE IS GIVEN

\*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at  
[https://www.oag.state.md.us/Opengov/Openmeetings/OMCB\\_Topical\\_Index.pdf](https://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf)

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June 10, 2016

Re: City of Hyattsville Code Compliance Committee  
Nina S. Faye, *Complainant*

Nina S. Faye, Complainant, alleges that the Code Compliance Committee of the City of Hyattsville violated the Open Meetings Act by meeting on February 17, 2016, without posting its usual notice on the City's website calendar. The City Attorney responded on the Committee's behalf and submitted the affidavits of the Committee's staff, the chair, and a member.

The relevant facts are as follows: The Committee expected to hold its regular monthly meeting on the evening of February 17 and to elect its officers then. Late that afternoon, the meeting was canceled because notice had not been posted on the City's website. Some members came anyway. The chair came because he did not know the meeting had been canceled. Staff came to tell anyone who arrived that the meeting had been canceled in order to comply with the Act's notice requirement. A quorum of members was apparently present. The group re-scheduled the meeting for March 2, 2016. The chair asked a member to serve as interim secretary and to post notice of the March 2 meeting, when officers would be elected. Complainant saw the Committee members and staff together at City Hall that evening. She had come to City Hall to see whether the Committee had posted a meeting notice on the bulletin board. She apparently did not seek to observe the meeting, and there is no allegation that anyone prevented her from doing so.

If the Act applied, the Committee violated it by meeting to discuss public business without providing reasonable advance notice, as is required

by § 3-302.<sup>1</sup> However, the Act does not apply when a public body meets only to perform an administrative function. § 3-103(a)(1).<sup>2</sup> The re-scheduling of a meeting so as to comply with the Act's notice requirement and the designation of a member to accomplish that task are operational matters that fall well within that function. *See, e.g., 5 OMCB Opinions* 33, 39 (2006) (administration of Act's notice requirements is an administrative function); *7 OMCB Opinions* 101-103 (2011) (public body's choice of its own officers and assignment of members to a task are administrative in nature). We find that the Act did not apply to the February 17 meeting.

In conclusion, the Committee did not violate the Act when it met to reschedule the meeting that it properly canceled for lack of notice and to assure proper posting of the new date.

Open Meetings Compliance Board

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<sup>1</sup> Statutory citations are to the General Provisions Article of the Maryland Annotated Code (2014, with 2015 supp.)

<sup>2</sup> For an explanation of the "administrative function" exclusion, see the Open Meetings Act Manual, Chapter 1(C). (2015).